

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS MEETING
MONDAY, MARCH 21, 2011, 10:00 A.M.
CONFERENCE CENTER, ROOM #1
INDIANA GOVERNMENT CENTER SOUTH,
402 W. WASHINGTON STREET
INDIANAPOLIS, IN 46204

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

David Demuth, President
Diane Weisheit, Vice President
Diana Bonn
Gary Odell
Joseph Barsic
Dr. Rebecca Bushong

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director
Tina Wiseley, Assistant Director
Philip Thompson, Deputy Attorney General

MINUTES TRANSCRIBED AND
COMPILED BY:

Tracy Hicks, Board Director

MINUTE 11-31

CALL TO ORDER AND ESTABLISHMENT OF QUORUM

The committee meeting was called to order at 10:00 a.m. by D. Demuth pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

MINUTE 11-32

ADOPTION OF THE AGENDA

D. Bonn moved to adopt the agenda as amended. R. Bushong seconded the motion. Motion carried.

MINUTE 11-33

ADOPTION OF THE MINUTES OF THE JANUARY 10, 2011 MEETING OF THE STATE BOARD OF
COSMETOLOGY AND BARBER EXAMINERS

D. Bonn moved to approve the minutes of the January 10, 2011 meeting of the State Board of Cosmetology and Barber Examiners as amended. D. Weisheit seconded the motion. Motion carried.

MINUTE 11-34

ADMINISTRATIVE HEARING IN THE MATTER OF STUDIO 51, INC., BS30400784, SBCBE 10-37

D. Weisheit moved to find Respondent in default the matter of Studio 51, Inc., BS30400784, SBCBE 10-37. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to resend the motion to find Respondent in default the matter of Studio 51, Inc., BS30400784, SBCBE 10-37. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to continue the hearing and send notice to Respondent to all known addresses of Respondent. D. Bonn seconded the motion. Motion carried.

MINUTE 11-35

ADMINISTRATIVE HEARING IN THE MATTER OF TRUE COLORS HAIR AND TANNING, BS30100470, TB50100222, SBCBE 10-54

State requested the hearing be vacated. D. Weisheit moved to vacate the hearing in the matter of True Colors Hair and Tanning, BS30100470, TB50100222, SBCBE 10-54. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to accept the Proposed Findings of Fact, Conclusions of Law and Order in the matter of True Colors Hair and Tanning, BS30100470, TB50100222, SBCBE 10-54. R. Bushong seconded the motion. Motion carried. R. Bushong seconded. Motion carried.

MINUTE 11-36

ADMINISTRATIVE HEARING IN THE MATTER OF TAMMY NAILS, TP20900485, SBCBE 11-06

D. Bonn moved to issue a notice of proposed default in the matter of Tammy Nails, TP20900485, SBCBE 11-06. D. Weisheit seconded the motion. Motion carried.

MINUTE 11-37

ADMINISTRATIVE HEARING IN THE MATTER OF TOAN MINH TRAN, BC20909305, SBCBE 11-07

D. Bonn moved to issue a notice of proposed default in the matter of Toan Minh Tran, BC20909305. R. Bushong seconded the motion. Motion carried.

MINUTE 11-38

ADMINISTRATIVE SHOW CAUSE HEARING IN THE MATTER OF LOVELY NAILS, MS30600511, SBCE 08-27

D. Bonn moved to find in violation of probation and that he continue to comply with previous orders and pay the costs of the proceedings. D. Weisheit seconded the motion. Motion carried.

MINUTE 11-39

ADMINISTRATIVE HEARING IN THE MATTER OF MARSHALL PENCE, BA10400047, BI10400050, SBBE 08-14

G. Odell moved to remove probation in the matter of Marshall Pence, BA10400047, BI10400050, SBBE 08-14. D. Weisheit seconded the motion. Motion carried.

MINUTE 11-40

ADMINISTRATIVE HEARING IN THE MATTER OF CARL R. LOWRY, BA00167175, SBBE 02-10

D. Weisheit moved to issue a notice of proposed dismissal in the matter of Carl R. Lowry, BA00167175, SBBE 02-10. J. Barsic seconded the motion. Motion carried.

MINUTE 11-41

ADMINISTRATIVE HEARING IN THE MATTER OF AMBER (SMITH) COMP, BC21013054, SBCBE 10-35

D. Bonn moved to remove probation from the license in the matter of Amber Smith Comp, BC21013054. R. Bushong seconded the motion. Motion carried.

MINUTE 11-42

ADMINISTRATIVE HEARING IN THE MATTER OF DEBORAH H. SNIDER, ES20201023, SBCBE 10-23

D. Bonn moved to remove probation. R. Bushong seconded the motion. Motion carried.

MINUTE 11-43

ADMINISTRATIVE HEARING IN THE MATTER OF LOC TRUONG, MA20101086, SBCE 09-17

D. Bonn moved to deny the petition for removal of probation in the matter of J. Barsic seconded the motion. Motion carried.

MINUTE 11-44

ADMINISTRATIVE HEARING IN THE MATTER OF GRACE NAIL SPA, INC., MS30701637, SBCBE 11-23

D. Weisheit moved to deny the petition to withdraw the probation in the matter of Grace Nail Spa, Inc., MS30701637, SBCBE 11-23. D. Bonn seconded the motion. Motion carried.

MINUTE 11-45

PERSONAL APPEARANCES

1. Today's Nails/Tan, SBCE 09-02 – Appeared
2. Qui C. Lam, SBCE 09-03 - Appeared
3. Nail Expo, SBCE 08-17 – Appeared with written report.
4. Lovely Nails, SBCE 08-27 - Appeared
5. Long Nguyen for Pro Nails, SBCE 09-08 - Appeared
6. Tolan N. Nguyen, SBCE 08-15 - Appeared

MINUTE 11-46

PERSONAL APPEARANCES AND CONSIDERATION OF APPLICATION FOR LICENSE RENEWAL

1. Nail Care, MS30700935 – D. Weisheit moved to renew the license on indefinite probation with no right to petition for removal in one year and require an inspection prior to request for removal of probation. R. Bushong seconded the motion. Motion carried.
2. Michael Holt, BA19800103 – G. Odell moved to renew the license. R. Bushong seconded the motion. Motion carried.
3. California Nails, MS39500670, tabled from January, 10, 2011 – D. Bonn moved to deny the renewal due to unlicensed practice. D. Weisheit seconded the motion. Motion carried.
4. Kurt Watson, BC29400509 – D. Weisheit moved to table the matter for his failure to appear. R. Bushong seconded the motion. Motion carried.

MINUTE 11-47

REQUEST FOR ISSUANCE OF A COSMETOLOGIST LICENSE IN THE MATTER OF VIRGINIA PEDROZA, BCP1000017

D. Bonn moved to approve the request for issuance of a regular cosmetologist license. R. Bushong seconded the motion. Motion carried.

MINUTE 11-48

CONSIDERATION OF COSTS PURSUANT TO IC 25-1-11-18

D. Weisheit moved to approve the costs in the matter of the following. D. Bonn seconded the motion. Motion carried.

Diamond Nails & Spa, SBCBE 10-31, \$118.64
Lee's Nails, SBCBE 10-30, \$118.64
Nail Expo, SBCE 08-17, \$118.64
LA Nail Salon, SBCBE 10-40, \$118.64
Laura Neeley, SBCBE 10-38, \$118.64

MINUTE 11-49**CONSIDERATION OF ADMINISTRATIVE LAW JUDGE'S ORDERS**

D. Weisheit moved to affirm the Administrative Law Judge's Orders in the matter of Magic Nails, SBCBE 10-41, Angela M. Harris, SBCBE 10-42, and Kim H. Hart, SBCBE 10-44. D. Bonn seconded the motion. Motion carried.

MINUTE 11-50**CONSIDERATION OF PROPOSED SETTLEMENTS**

D. Weisheit moved to accept the proposed settlement in the matter of Wonder Nails, MS30600705, SBCBE 10-39. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to accept the proposed settlement in the matter of Janua Lea Riley, BC02324870, SBCBE 10-53. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to accept the proposed settlement in the matter of True Colors Hair and Tanning, BS30100470, TB50100222, SBCBE 10-54. R. Bushong seconded the motion. Motion carried.

MINUTE 11-51**CONSIDERATION OF REQUESTS FOR WAIVER OF 820 IAC 4-1-5(d), COMPLETION OF EDUCATION WITHIN THREE YEARS OF ENROLLMENT**

D. Weisheit moved to grant the request for waiver of 820 IAC 4-1-5(d) in the matter of Nikki Munguia and allow her six months to graduate from cosmetology school. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the request for waiver of 820 IAC 4-1-5(d) in the matter of Stacy Hancher and allow her six months to graduate from cosmetology school. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to approve the request for waiver of 820 IAC 4-1-5(d) in the matter of Wendy Wilson and allow her six months to graduate from cosmetology school. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to approve the request for waiver of 820 IAC 4-1-5(d) in the matter of Cherie Michalski and allow her six months to graduate from cosmetology school. R. Bushong seconded the motion. Motion carried.

MINUTE 11-52**CONSIDERATION OF REQUESTS FOR WAIVER OF 820 IAC 2-2-3(b), FIRST ATTEMPT EXAMINATION WITHIN ONE YEAR OF GRADUATION**

D. Bonn moved to approve the request for waiver of 820 IAC 2-2-3(b) and allow three months to sit for the examination in the matter of Krya Guillaume. D. Weisheit seconded the motion. Motion carried.

D. Bonn moved to approve the request for waiver of 820 IAC 2-2-3(b) and allow three months to sit for the examination in the matter of Megan Lewis. D. Weisheit seconded the motion. Motion carried.

D. Weisheit moved to approve the request for waiver of 820 IAC 2-2-3(b) and allow three months to sit for the examination in the matter of Lisa McDaniel. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to approve the request for waiver of 820 IAC 2-2-3(b) and allow three months to sit for the examination in the matter of Jessica Zeigler. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to approve the request for waiver of 820 IAC 2-2-3(b) and allow three months to apply for the license in the matter of Deborah Walker. D. Weisheit seconded the motion. Motion carried.

D. Weisheit moved to approve the request for waiver of 820 IAC 2-2-3(b) and allow three months to sit for the examination in the matter of Malorie Smith. R. Bushong seconded the motion. Motion carried.

MINUTE 11-53

CONSIDERATION OF REQUESTS FOR WAIVER OF 820 IAC 2-2-3(b) or 820 IAC 8-2-20, COMPLETION OF THE EXAMINATION WITHIN THREE YEARS OF GRADUATION

D. Weisheit moved to approve the request for waiver of 820 IAC 2-2-3(b) and allow six months to pass the examination in the matter of Christine Jones. R. Bushong seconded the motion. Motion carried.

G. Odell moved to approve the request for waiver of 820 IAC 8-2-20 and allow six months to pass the examination in the matter of Tavaris Ratliff. R. Bushong seconded the motion. Motion carried.

D. Bonn moved to approve the request for waiver of 820 IAC 8-2-20 and allow six months to pass the examination in the matter of Blake Ottmar. R. Bushong seconded the motion. D. Weisheit opposed the motion. Motion carried.

MINUTE 11-54

CONSIDERATION OF REQUESTS FOR WAIVER OF IC 25-8-7-2(4), SIX MONTH LICENSURE REQUIREMENT TO MANAGE A SALON

D. Bonn moved to table the requests for waiver of IC 25-8-7-2(4) pending proof of experience in the matter of Saroj Bala, ES21012790 and Joy L. Sorrell, BC21100189. D. Weisheit seconded the motion. Motion carried.

MINUTE 11-55

GRANTING OR DENYING PETITION FOR REVIEW AND APPOINTMENT OF ADMINISTRATIVE LAW JUDGE

D. Weisheit moved to grant the petition for review and appoint J. Barsic as the Administrative Law Judge in the matter of William Beller, Sr. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to deny the petition for review due to the untimely filing in the matter of Top Nails. D. Bonn seconded the motion. Motion carried.

MINUTE 11-56

APPLICATION COMMITTEE REPORT

D. Weisheit moved to accept the following application committee report as follows. D. Bonn seconded the motion. Motion carried.

COSMETOLOGIST EXAMINATION APPLICATION

Brown, William Dondray – **APPROVED ON PROBATION**

COSMETOLOGIST RECIPROCITY APPLICATIONS

Durdella, Maria Angela – **APPROVED**

Haig, Chara Lee – **DENIED** – IC 25-8-4-2(a)(1) – no license in another state

Lam, Nancy – **DENIED** – Work affidavit is a copy and appears to have been altered

COSMETOLOGIST PROVISIONAL APPLICATIONS

Garatachia, Laura – **APPROVED**

Randhawa, Narinder K. – **DENIED** – Education not equivalent: no proof of education in perms, color, nails, or waxing; H.S. diploma indicates "He"

Vargas, Sujey A. Maya – **DENIED** – Education appears to be continuing education, not a cosmetology program in a cosmetology school

MANICURIST EXAMINATION APPLICATIONS

Guillaume, Kyra Lee – **DENIED** – Past one year to graduate

Le, Hieu T. – **DENIED** – Fraudulent documentation

MANICURIST RECIPROCITY APPLICATIONS

Bui, Henry Hoang – **DENIED** – fraudulent documentation
Bui, Phuc Thi – **DENIED** – has 7th grade education, needs 8th grade education
Do, Doe Ngoc – **DENIED** – not enough education
Ha, Jodie Nga – **APPROVED**
Nguyen, Samantha – **DENIED** – name on social security card and California license doesn't match
Phan, Bao Chau Ngoc – **DENIED** – incomplete application
Sok, Samnang – **DENIED** – Did not apply with legal name; two names are on the application

ESTHETICIAN RECIPROCITY APPLICATIONS

Dang, Thu T. – **DENIED** – Fraudulent documentation
Formati, Alysia Sandra – **DENIED** – work experience indicates internship, which is not acceptable
work experience
Ha, Jodie Nga – **DENIED** – work history indicates unlicensed practice in other jurisdiction

BARBER EXAMINATION APPLICATION

Riley, Janua – **DENIED** – Falsified application by answering "No" to all the questions; has been convicted of a crime

BARBER PROVISIONAL APPLICATION

Hoxha, Mefail – **APPROVED**

COSMETOLOGY SALON APPLICATIONS

Diana's Beauty & Barber Salon – **APPROVED**
Hair Doctor M.D. – **DENIED** – Name has M.D. in it; misleading name
The Headquarters – **DENIED** – incomplete application
Newburgh Hair Center – **APPROVED**

MANICURING SALON APPLICATIONS

Lovely Nails – **APPROVED ON PROBATION**
T Nails & Spa – **APPROVED ON PROBATION**
U.S. Nails – **APPROVED ON PROBATION**
Venus Spa Nails – **DENIED** – Unlicensed practice

ESTHETIC SALON APPLICATIONS

California Nails – **DENIED** – Disapproved inspection: unlicensed practice
Today's Nails/Tan – **APPROVED ON PROBATION**
U.S. Nails – **APPROVED**

BARBER SHOP APPLICATIONS

D-Loves Barber Shop – **DENIED** – Barber license of applicant was obtained fraudulently
Designing Women & Company – **APPROVED**

MINUTE 11-57

RULES COMMITTEE REPORT

No report.

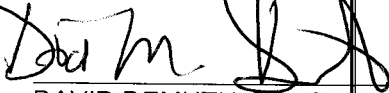
MINUTE 11-58

ADJOURNMENT

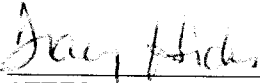
There being no further business to discuss, the meeting adjourned at 5:30 p.m.

5/14/11

DATED: _____



DAVID DEMUTH, PRESIDENT



ATTEST BY: _____

TRACY HICKS, BOARD DIRECTOR